

## Agricultural Marketing Service, USDA

§ 917.8

### Subpart—Grade and Size Regulation

917.459 California Peach Grade and Size Regulation.

917.461 Pear Regulation 12.

AUTHORITY: 7 U.S.C. 601–674.

### Subpart—Order Regulating Handling

SOURCE: 41 FR 17528, Apr. 27, 1976, unless otherwise noted.

#### DEFINITIONS

#### § 917.1 Secretary.

*Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

#### § 917.2 Act.

*Act* means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

#### § 917.3 Person.

*Person* means an individual, partnership, corporation, association, or any other business unit.

#### § 917.4 Fruit.

Fruit means the edible product of the following kinds of trees:

(a) All varieties of peaches grown in the production area;

(b) All hybrids grown in the production area exhibiting the characteristics of a peach and subject to cultural practices common to peaches as recommended by the committee and approved by the Secretary; and

(c) All varieties of pears except Beurre Hardy, Beurre D'Anjou, Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau.

[71 FR 41351, July 21, 2006]

EFFECTIVE DATE NOTE: At 71 FR 41351, July 21, 2006, in § 917.4, the words “ and (c) All varieties of pears except Beurre Hardy, Beurre D'Anjou, Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre

Clairgeau” were suspended, effective Jan. 1, 2007.

#### § 917.5 Grower.

*Grower* is synonymous with producer and means any person who produces fruit for market in fresh form, and who has a proprietary interest therein. Employees of growers and officers of corporations actively engaged in growing peaches are eligible to serve in grower positions on the committee.

[71 FR 41351, July 21, 2006]

#### § 917.6 Handle.

*Handle* and ship are synonymous and mean to sell, consign, deliver or transport fruit or to cause fruit to be sold, consigned, delivered or transported between the production area and any point outside thereof, or within the production area: *Provided*, That for peaches, packing or causing the fruit to be packed also constitutes handling; *Provided further*, That the term handle shall not include the sale of fruit on the tree, the transportation within the production area of fruit from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery of such fruit to such packing facility for such preparation.

[71 FR 41351, July 21, 2006]

#### § 917.7 Handler.

*Handler* is synonymous with shipper and means any person (except a common or contract carrier transporting fruit owned by another person) who handles fruit.

#### § 917.8 Pure grower or pure producer.

(a) For peaches, *pure grower* means any grower:

(1) Who produces his or her own product (and is not an employee or officer of a packing business); or

(2) Who produces and handles his or her own product; *Provided*, That a pure producer can pack the production of other growers as long as the production packed does not exceed 25 percent of the total production packed for that marketing year by that pure grower's packing facility. *Pure grower* is synonymous with pure producer.

## §917.9

(b) The committee may establish, with the approval of the Secretary, rules and regulations for the implementation and operation of this section.

[71 FR 41351, July 21, 2006]

### §917.9 Fiscal period.

*Fiscal period* is synonymous with fiscal year and means the 12-month period ending on the last day of February of each year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

### §917.11 Production area.

*Production area* means the State of California.

### §917.12 Container.

*Container* means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of fruit.

### §917.13 Pack.

*Pack* means the specific arrangement, size, weight, count, or grade of a quantity of fruit in a particular type and size of container or any combination thereof.

### §917.14 District.

*District* means any of the following subdivisions of the State of California:

(a) *North Sacramento Valley District* includes and consists of Glenn County, Shasta County, Tehama County, Modoc County, Siskiyou County, Lassen County, Plumas County, and Colusa County.

(b) *Central Sacramento Valley District* includes and consists of Sutter County, Butte County, Yuba County, and Sierra County.

(c) *Sacramento River District* includes and consists of Sacramento County, that portion of Yolo County east of a straight line from the northwest corner of Sacramento County to the Northeast corner of Solano County, and that portion of Solano County east of a straight line from the northeast corner of Solano County to the town of Rio Vista.

(d) *El Dorado District* includes and consists of El Dorado County.

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(e) *Placer-Colfax District* includes and consists of Nevada and Placer Counties.

(f) *Solano District* includes and consists of that portion of Yolo County not included in the Sacramento River District, and that portion of Solano County not included in the Sacramento River District.

(g) *Contra Costa District* includes and consists of Contra Costa County.

(h) *Santa Clara District* includes and consists of Alameda County, Monterey County, Santa Clara County, San Mateo County, Santa Cruz County, and San Benito County.

(i) *Lake District* includes and consists of Lake County.

(j) *Mendocino District* includes and consists of Mendocino County, Humboldt County, Trinity County, and Del Norte County.

(k) *South Coast District* includes and consists of San Luis Obispo County, Santa Barbara County, and Ventura County.

(l) *Stockton District* includes and consists of San Joaquin County, Amador County, Calaveras County, and Alpine County.

(m) *Stanislaus District* includes and consists of Merced County, Stanislaus County, Tuolumne County, and Mariposa County.

(n) *Fresno District* includes and consists of Madera County, Fresno County, and Mono County.

(o) *Tulare District* includes and consists of Tulare County and Kings County.

(p) *Kern District* includes and consists of that portion of Kern County west of the Tehachapi Mountains.

(q) *Tehachapi District* includes and consists of that portion of Kern County not included in Kern District, and Inyo County.

(r) *Southern California District* includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and Los Angeles County.

(s) *North Bay District* includes and consists of Sonoma County, Napa County, and Marin County.

[41 FR 17528, Apr. 27, 1976, as amended at 71 FR 41351, July 21, 2006]